REMARKS

Claims 1-32 are in the application. Claims 1-3, 8-11, 16-17, 21-23, 26, 28-29, and 32 are amended herein.

As amended, the claims recite several features that are unmet by the cited art, considered singly or in combination.

Consider claim 1. As amended, that claim recites a network switch that has a configurable port for connecting either a wireless edge device or a wired device[1] to the switch, and a processor for executing an application for configuring the port to support either a wireless edge device or a wired device. When the port is configured to support a wireless edge device, the application program also enables the port to automatically configure a wireless edge device attached to the port so that it is able to function as a wireless network access point.

In other words, as amended, the claim requires or contemplates **two** levels of configuring, both levels involving changes to **other than end user devices**. In the first level, the switch **port** is configured to support either a wireless edge device or a wired device. A switch port is obviously not an end user device. In the second level, operative when the port is configured to support a wireless edge device, a **wireless edge device**, when attached to the port, is **automatically** configured so that it functions as a **wireless network access point for one or more end user devices**. A wireless edge device is likewise not an end user device, because "edge" inherently means that the device is an access point and other than an end user device. *See* pages 7-8 ("Wireless edge devices 18a, such as wireless access points (APs), permit mobile user stations 22 to access the network over one or more wireless channels.").[2] Additionally, the express claim

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[1] The specification and drawings make clear that the wired device can be either a wired edge device, or a wired end user device. See Fig. 1, showing wired end user device 18b; see also original claim 1, indicating that the wired device can be a wired edge device.

[2] Several on-line dictionary definitions are in accord. *See* Wikipedia ("**Edge devices** are routers, switches, routing switches, integrated access devices (IADs), multiplexers, and a variety of metropolitan area network (MAN) and wide area network (WAN) access devices that provide entry points into enterprise or service provider core networks."); *see also* PC Mag.com (defining **edge device** to be "**(1)** Any server or other networking device that is located closer to the client machines rather than being in the backbone of the network. For example, a cache server is an edge device that sits inside the firewall and holds frequently

language, requiring that the wireless edge device be configured so that it is able to function as **a wireless network access point**, also rules out the wireless edge device being an end user device.

These amendments are fully supported in the specification. The first level of configuring required by the claim, whereby the switch port is configured to support either a wired device or wireless edge device, is supported by Figs. 4-5, and pages 17-18. More specifically, Fig. 4 illustrates a high level menu that, as explained on page 18, allows an administrator to select either a wired port configuration page, for configuring the port to support a wired device, or a wireless port configuration page, for configuring the port to support a wireless edge device. Fig. 5 illustrates the wireless port configuration page, and page 19 (top) describes the specific changes that are made to the port in one embodiment in order to configure it as a wireless port. As can be seen, these changes go well beyond simply associating the port with configuration information and software images that are downloaded to the wireless edge device. Instead, these changes are to the port itself.

The second level of configuring, the requirement that it occur automatically upon attachment of the wireless edge device to the port, and also the additional requirements that it result in changing the wireless edge device so that it is able to function as a wireless network access point for one or more end user devices, is supported, for example, by page 3 ("Network software (an image) is automatically downloaded to wireless devices when they are plugged into the switch"), page 4 ("When the edge device is connected to the port, the switch automatically downloads the image to the edge device, along with the configuration information."), and Fig. 1, showing wireless edge device 18a being configured so that it functions as a wireless network access point for end user devices 22. Additional support is provided by pages 22-26.

In sharp contrast to the foregoing, Jones merely describes an end user device, such as a laptop computer, that adapts to the communication medium it is connected to or

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requested pages. See cache server and edge router. **(2)** A network device used to convert LAN frames (Ethernet, etc.) to ATM cells and vice versa. It is typically a switching device with one ATM port and multiple LAN ports. To legacy stations, ports on an edge device look like a router port.").

in proximity with by toggling a switch (switch 82) depending on whether it senses proximity or connection to a wireless or wired communication medium. If a wired medium is sensed, the switch 82 toggles in one direction to engage wired specific hardware and protocol stacks. If a wireless medium is sensed, the switch 82 toggles in the opposite direction to engage radio specific hardware and protocol stacks. Note that Jones does not teach configuring the wired or wired communications **medium** (such as ATM switch 12) in any way.

Even if the act of toggling a switch in an end user device as described in Jones can be viewed as configuring, Jones still does not teach or suggest the **two** levels of configuring required or contemplated by amended claim 1, one to a switch port, and the other to a wireless edge device. At most, Jones teaches only one level of configuring, to an end user device. Jones says nothing about configuring **other than end user devices** as required by amended claim 1. Nor does Jones teach or suggest automatically configuring a wireless edge device, upon attachment to a switch port, so that it functions as **a wireless network access point to one or more end user devices**. Instead, at most, Jones teaches configuring an end user device so that it can communicate over a wired or wireless communication medium.

The Examiner acknowledges these failings of Jones in the Advisory Action, by abandoning his position that Jones teaches configuring ATM switch 12. Although the Examiner advances a new position, that the claim does not require configuring a switch port, only a wireless device by downloading software images, this new position is untenable, Applicant respectfully submits, because it is contradicted by the amended claim language of claim 1 that plainly requires or contemplates two levels of configuring, one to the switch port, and the other to the wired edge device. Applicants respectfully request the Examiner to reconsider and withdraw this new position in view of the amendments to claim 1.

Nor does Kmack fill the gaps in teaching of Jones. Kmack simply discloses manually downloading a limited and very specific type of information (user interfaces) to an end user device, allowing the user interface to be customized to a specific application

(time and motion study). It is far from clear whether Kmack is even combinable with Jones as it is not from an analogous art (time and motion studies vs. media switching apparatus), and there is nothing that would have motivated one of ordinary skill in the art to combine the disparate, non-analogous teachings of Jones and Kmack.

In addition to this, nothing in Kmack teaches or discloses the two levels of configuring to other than end user devices required or contemplated by claim 1 as amended. Instead, Kmack only teaches a single level of configuring, to an end user device. Nor does Kmack teach automatically configuring a wireless edge device upon attachment to a switch port, so that it is able to function as a wireless network access point to one or more end user devices, as required or contemplated by amended claim 1. Instead, Kmack merely teaches manually downloading a **<u>user interface</u>** to an end user device, where the user interface has been tailored to a particular time and motion study to be performed.

Even assuming, solely for the sake of argument, Jones could somehow be combined with Kmack, the resulting combination would at most yield an end user device that, as in Jones, adapts itself to the type of communication medium (wired or wireless) it is connected or in proximity to so that it can communicate over both, and that, as in Kmack, can be manually downloaded with a user interface customized to a specific application. Such a device would still not meet any of the claimed features outlined above, *i.e.*, the two levels of configuring to other than end user devices, the automatic configuring of the wireless edge device upon attachment to the switch port so that it is able to function as a wireless network access point, *etc.* Moreover, there is nothing in Jones or Kmack that suggests modifying this device so that it would have those features.

Therefore, claim 1, as amended, patentably distinguishes over the cited art, considered singly or in combination. The same conclusion applies to all the remaining claims, which recite the same or similar features as amended claim 1.

For all the foregoing reasons, the Examiner is earnestly solicited to reconsider and withdraw all outstanding rejections, allow all claims, and pass this application to issuance.

The Commissioner is herby authorized to charge Deposit Account No. **08-3038,** (referencing Docket No. **02453.0021.NPUS00**) for the requisite fee for an request for continued examination, and the fee for a petition for a one-month extension pursuant to 37 CFR §1.136(a). Applicant believes no other fees are due. However, if any such fees are in fact due and necessary to prevent abandonment of the application, the Commissioner is authorized to charge such fees to Deposit Account No. **08-3038**.

To expedite allowance of this case, the Examiner is earnestly invited to call the undersigned at (949) 759-5269.

Respectfully submitted,

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